

Town of Seekonk

Massachusetts

HOME RULE CHARTER



Adopted April 1995

Amended: January 25, 2010

SEEKONK CHARTER COMMISSION

The Seekonk Charter Commission was elected at the annual town election in April 1994 under the provisions of the Home Rule Amendment to the Massachusetts Constitution. Since that time, we have met twice per month for approximately nine months. All sessions were open to the public and televised on local cable. A public hearing was called in May 1994 and January 1995. After many months of research, discussion, and debate, and with the input of various boards and office holders, we have reached our final decisions. We are pleased to submit this final report of our revised charter. This charter is constructed in an orderly fashion, is divided into topical articles, and is written in plain, readable language.

This proposed charter was developed by building upon the current charter and correcting those weaknesses that have shown up during its life. The most important change has been the return to open Town Meeting, restoring the ability of all registered voters to vote on any matter of interest to them at any Town Meeting. The other major change has been to unify and professionalize the operations of the Town Government, making it more responsive and efficient. All policy-making officials will continue to be elected.

All members of the Charter Commission firmly believe that the adoption of this proposed charter will significantly improve the operation of town government and its ability to respond to contemporary problems. The proposed charter will allow for flexibility, while providing for adequate checks and

balances in the administration of the town's government. As a result of this proposed design, we would anticipate this charter should serve the town well into the twenty-first century.

Charter Commission Members

Dana G. Beal, Chairman

Dorothy A. Howell

Beverly A. Hart, Vice Chairman

Paul M. Lasiewski

David D. Young, Clerk

Dennis R. Lima

Earl H. Bradley

David S. Parker

Robert T. Fuller

Cheryl A. Sousa, Secretary

Town of Seekonk, MA

Home Rule Charter

April 1995

Amended January 25, 2010 (town meeting)

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Town of Seekonk, Massachusetts

Home Rule Charter

Preamble

We, the people of the Town of Seekonk, Massachusetts, in order to form a more perfect community, reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government, and take full advantage of the home rule amendment to the constitution of the Commonwealth, do ordain and adopt this revised home rule charter for our town.

ARTICLE ONE POWERS OF THE TOWN

Section 1 Incorporation

The inhabitants of the Town of Seekonk, within the town's corporate limits as established by law, shall continue to be a body corporate and politic with perpetual succession under the name: **Town of Seekonk**.

Section 2 Form of Government and Title

This charter provides for an Open Town Meeting, Board of Selectmen form of town government, and it shall be known by the title: *Seekonk Home Rule Charter*.

The town shall possess, exercise, and enjoy all local government powers, rights, and privileges under the Constitution and statutes of the Commonwealth as completely and fully as though they were expressly enumerated herein. The power of the town under this charter shall be construed liberally in its favor, and no specific charter grant of particular power is intended to limit in any measure its general grant of power.

In the exercise of its powers and function, the town may enter into intergovernmental agreements with any one or more civil divisions, subdivisions, or agencies of any state government or the United States government, by any appropriate means.

The legislative powers of the town shall be vested in a town meeting open to all registered voters. All registered voters shall sign in before entering the meeting for recording purposes. All other residents shall have the right to attend and speak, but will not be allowed to vote.

Section 2 Presiding Officer

A moderator shall be elected as provided in Article Five. The Moderator shall preside at all sessions of the town meeting, regulate the proceedings, decide all questions of order, make public declaration of all votes, and perform such other duties as may from time to time be assigned to the office through by-law or town meeting vote.

The town meeting may at any session elect a Moderator “pro tempore” to preside in the Moderator’s absence.

Section 3 Clerk of the Town Meeting

The Town Clerk shall serve as clerk of the town meeting and shall give notice of all town meetings and adjourned sessions thereof, to the public. The Town Clerk shall maintain a written record of the town meeting proceedings, which shall be published regularly in the town report. The Town Clerk shall maintain an attendance record of town meeting members and shall perform such other duties as may be assigned by this charter, by-law, or town meeting vote. The town meeting may at any session elect a clerk “pro tempore” to serve in the Town Clerk’s absence.

Section 4 General Powers

The town meeting shall possess and exercise all general and legislative powers of the town, except as otherwise provided by general law or this charter.

Section 5 Procedures

Annual Meetings

Town meeting shall convene at least twice annually on dates and at times as determined through the by-laws. Provided however, that the first business meeting shall convene during April, May, or June to act on financial and other matters, including the consideration and adoption of an annual operating and capital budget. The second meeting shall convene during September, October, or November. The warrant shall be available to the voters at least fourteen (14) days prior to the meeting.

Special Meetings

The town meeting shall also convene in special session: (A) By call of the Board of Selectmen, or (B) By petition of at least two hundred registered voters in town.

Quorum

The quorum necessary for the conduct of town meeting business shall be seventy-five (75) members, but a smaller number may adjourn from time to time.

Attendance of Town Officials

Town officers, members of boards and commissions, and department heads or their designated representatives, shall attend town meeting sessions as appropriate to provide information on warrant articles pertaining to their respective offices. The absence of such individuals, however, shall not

invalidate any town meeting action.

Section 6 Initiative

Any ten (10) voters of the town may secure, by written petition to the Board of Selectmen, the inclusion of an article or item for the warrant or agenda of any session of the annual town meeting and at least one hundred (100) registered voters may secure the same for any duly scheduled special town meeting.

Upon petition by at least two hundred (200) voters, the Board of Selectmen shall call a special town meeting within forty-five (45) days following receipt of such petition.

Section 7 Referendum

No measure adopted by the town meeting except a vote: (A) to adjourn, (B) to appropriate money for the payment of notes or bonds, or (C) to borrow money temporarily in anticipation of revenue, shall become operative until the expiration of ten (10) days following the dissolution of the meeting.

If within such period of ten (10) days, a petition secured from the Town Clerk and signed by the qualified voters of the town equal in number to not fewer than five percent (5%) of those registered at the last regular town election is filed with the clerk, asking that any question involved in such a vote be submitted to the voters, then a referendum shall be held for the sole purpose of presenting the question or questions to the voters of the town for their final determination.

If, within ten (10) days following receipt of the petition the Town Clerk shall determine it to contain a sufficient number of signatures, the Board of Selectmen shall provide for a referendum to be held within thirty-five (35) days thereafter.

Each question to be voted on the referendum shall be submitted to the voters in the same form and language as passed by the voters at town meeting.

All procedures for voting upon referendum questions shall be in the same manner as provided in Massachusetts General Law for the conduct of elections.

No referendum against any action of the town meeting shall be valid unless at least thirty percent (30%) of the registered voters of the town cast a ballot on each question submitted.

ARTICLE THREE ELECTIONS

Section 1 Annual Town Election

The regular annual election of all town offices shall be by official ballot held on a date as determined through the by-laws. All elections of town officers shall be non-partisan and all election ballots shall be printed without any party mark or other political emblem. The order of candidates' names on the official ballot shall be determined by a lottery conducted by the Town Clerk or a designated agent and duly publicized in advance. Any person elected to any office or board shall take up the duties of such office immediately upon being declared duly elected and sworn in.

Section 2 Eligibility

Any registered voter shall be eligible to hold any elective office. No person shall simultaneously hold more than one elected office.

Section 3 Establishments of Precincts

The Board of Selectmen shall be responsible for: (A) The division of the town into voting precincts which

shall be compact, contiguous, and substantially equal in population; and (B) A decennial review as required by state law, including a revision of precinct lines and increases in the number of precincts, as necessary, unless more frequent action is deemed necessary by the town meeting.

Section 4 Recall of Elective Officers

Any elective officer of the town may be recalled and moved from office by the voters as herein provided. Any voter may file a petition containing the name and title of the elective officer whose removal is sought with the Town Clerk. Such petition shall be signed by qualified voters of the town equal in number to at least fifteen percent (15%) of those registered at the last regular town election, provided that such recall petition must be filed within fourteen (14) days following its initial date of issuance. If, within ten (10) days following receipt of the petition the Town Clerk determines the petition and signatures to be sufficient, a recall election shall be held within ninety (90) days but no sooner than sixty-five (65) days thereafter, provided that no such election shall take place within one hundred to one hundred twenty (100-120) days. All procedures for voting upon the recall question shall be in the same manner as provided in Massachusetts General Law for the conduct of elections.

A majority of those voting at the recall election shall be sufficient to recall such elective officer, provided that at least thirty percent (30%) of all those entitled to vote shall have voted.

Section 5 Special Election to Fill Recall Vacancy

Any officer whose recall is sought may be a candidate to succeed himself at a special election to take place concurrently with the recall election, the purpose of which shall be to fill any vacancy resulting from the recall election. The nomination of all candidates to fill a vacancy created by a recall election, the publication of the warrant for the special election to fill such vacancy, and the conduct of same shall be in accordance with the provisions of general election laws, unless otherwise provided by this Home Rule Charter.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate receiving the highest number of votes in the special election shall be declared elected to fill the vacancy created. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

ARTICLE FOUR ELECTED TOWN BOARDS

AND OFFICERS

Section 1 General Provisions

Members of town boards to be elected from the town at large shall be:

- (A) Five (5) member Board of Selectmen
- (B) A Town Moderator, for a three (3) year term.
- (C) A Town Clerk, for a three (3) year term.
- (D) Five (5) member School Committee, for three (3) year overlapping terms.
- (E) Three (3) member Board of Assessors, for three (3) year overlapping terms.
- (F) Seven (7) member Board of Library Trustees for three (3) year overlapping terms.

(G) Seven (7) member Planning Board, for five (5) year overlapping terms.

(H) Five (5) member Housing Authority, as provided by statute, with one (1) member being appointed under the authority of the Commonwealth of Massachusetts and four (4) members to be elected from the town at large for five (5) year overlapping terms.

Officers and members of elective boards, except Town Clerk, whose salary shall be set by Town Meeting, established under this Article, unless otherwise prohibited by statute, shall serve without salary or other compensation for services rendered without a vote and approval of a Town Meeting authorizing the same.

The budget as presented at a Town Meeting shall delineate whether or not a salary is to be provided. If so, a Town Meeting shall take a separate vote on the salary proposed for each elected office. However, the officers and members of elective boards shall be reimbursed for actual expenses incurred in the performance of their official duties within the annual appropriation for such purposes.

Officer and members of boards and commissions established under this Article shall exercise such powers and duties as are and may be provided by statute, this Home Rule Charter, the Town of Seekonk By-Law, and the vote of a Town Meeting.

Section 2 Special Provisions

Assessors

The Board of Assessors elected under this Article shall appoint, subject to an appropriation made for this purpose, an individual qualified to provide professional assistance to the town's assessing functions and responsibilities. Such an appointed individual shall not simultaneously be employed by any company or business that provides assessing services while serving as an employee of the town.

School Committee

The School Committee shall have all the powers and duties given to school committees by statute. The School Committee shall have general charge of the public schools of the town. The School Committee shall have the power to select and to terminate a superintendent of schools and to establish educational goals and policies for the schools, consistent with the requirement of the laws of and standards established by the Commonwealth of Massachusetts.

Moderator

The Moderator elected under this Article shall have the power to appoint: (A) a Finance Committee as provided in Article Seven hereof; (B) Three (3) members of Capital Improvement Committee and (C) members of "ad hoc" committees, as may be authorized from time to time by a Town Meeting.

Planning Board

The Planning Board elected under this article shall appoint, subject to an appropriation made for that purpose, a planner to be selected on the basis of educational qualifications, training, and experience, and who shall not simultaneously hold Planning Board membership.

Section 3 Vacancies

Vacancies on boards established under this Article shall be filled by the Board of Selectmen together with the remaining members of the respective board in accordance with the provisions of statute. A vacancy in the office of Town Moderator or Town Clerk shall be filled in accordance with provisions of statute.

ARTICLE FIVE EXECUTIVE BRANCH

Board of Selectmen

Section 1 Composition, Term of Office, Vacancies

A five-member Board of Selectmen shall be elected from the town at large for three year terms of office, so arranged that as an equal number of terms as possible shall expire each year.

Any vacancy that occurs on the Board of Selectmen more than six months prior to the next annual election must be filled promptly by a special election.

Members of the Board of Selectmen shall serve without compensation unless expressly authorized by a Town Meeting.

Section 2 General Powers and Duties

The executive powers of the town shall be vested in the Board of Selectmen. The board shall have all of the executive powers given to Boards of Selectmen by statute and by this Charter. The Board of Selectmen shall serve as the chief policy-making agency of the town, responsible for the establishment of policy directives and guidelines to be followed by all town agencies serving under it, provided, however, that no individual members of the Board of Selectmen, nor a majority of such board shall, at any time, attempt to be or become involved in the day to day administration of affairs of the town, but shall act through the established policies, directives, and guidelines which are to be implemented by officers and employees.

The Board of Selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of all its official acts to be kept. To aid in the performance of its duties, the Board of Selectmen shall appoint a Town Administrator, as provided in Article Six.

Section 3 Specific Powers and Duties

The Board of Selectmen shall, within its area of jurisdiction, be responsible for the functions of:

General Administration

(A) Licensing Authority

Unless otherwise provided by statute, the Board of Selectmen shall be the licensing board for the town and shall have the power to issue licenses, to make necessary rules and regulations regarding the issuance of such licenses, and to attach conditions and impose restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issue licenses.

(B) Investigations

The Board of Selectmen may investigate and may authorize the Town Administrator to investigate any town agency or office appointed or hired by them or the Town Administrator, and they shall have access to all records they deem necessary for this purpose. In furtherance of any investigations undertaken, the Board of Selectmen may subpoena witnesses, administer oaths and take evidence, and require the production of evidence. The Board of Selectmen shall issue a final, written report within sixty (60) days after the completion of any such investigation. The final report shall be filed in the office of the Town Clerk.

(C) Town Administrator

The Board of Selectmen shall hire, determine compensation for, within the available appropriation, and be responsible for assessing the qualifications of the Town Administrator and, if required, a temporary Town Administrator.

The Board shall communicate to the Town Administrator its plans and policies so as to secure their effective implementation. The Board shall prepare a contract establishing the conditions for the Town Administrator's employment, its terms, and his compensation.

The Board shall remove and replace the Town Administrator if and when required in accordance with the provisions of this Home Rule Charter in Article Six, Section 5.

Section 4 Powers of Appointment General Provisions

The Board of Selectmen shall have the power to appoint the following town officers:

- (A) A Town Administrator
- (B) A Town Counsel for a one-year term of office. The appointed town counsel shall be a member in good standing of the Massachusetts Bar for at least ten (10) years.

ARTICLE SIX Town Administrator

Section 1 Appointment

The Town Administrator shall be appointed in accordance with Article Five for a three (3) year term. The appointment shall be renewable at the discretion of the Board of Selectmen.

Section 2 Qualifications and Duties

The Town Administrator shall be appointed on the basis of educational, executive, and administrative qualifications and experience, including, at a minimum, a four year college or university degree and five (5) years experience in municipal finance and municipal administration. The Board of Selectmen may require additional qualifications from those stated. At the discretion of the board, appropriate professional experience in the public or private sector may be accepted in lieu of municipal work experience. The Town Administrator shall be appointed based upon demonstrated executive and administrative abilities and accomplishments.

The Town Administrator shall not have served in an elected office in the Town of Seekonk within twelve (12) months immediately prior to the appointment. The Town Administrator shall be the chief administrative officer of the town and shall be accountable to the Board of Selectmen for the proper discharge of all duties of the office and for the proper administration of all town affairs placed under his charge by or under the charter. The powers and duties of the Town Administrator shall include, but need not be limited to, the following:

(A) The Town Administrator shall supervise, direct and be responsible for the efficient administration of all functions under his control, as may be authorized by the charter, by-law, town meeting vote, or by vote of the Board of Selectmen.

(B) The Town Administrator shall attend all regular and special meetings of the Board of Selectmen, unless excused. He shall have a voice, but no vote, in all of the board's discussions.

(C) The Town Administrator shall attend all sessions of the town meeting and answer all questions concerning warrant articles which are directed to him and which relate to matters under his general

supervision.

(D) The Town Administrator shall see that all provisions of the Massachusetts General Laws, this Charter, the town by-laws, and votes of the town meeting and the Board of Selectmen which require enforcement by him or officers or employees subject to his direction and supervision, are faithfully carried out and performed.

(E) The Town Administrator shall prepare and submit a proposed annual operating budget and a proposed capital outlay program.

(F) The Town Administrator shall keep the Board of Selectmen and the Finance Committee fully informed as to the financial condition and needs of the town, and shall make such recommendations to the Board of Selectmen for actions to be taken as he deems to be necessary, advisable, or expedient.

(G) The Town Administrator shall assure that full and complete records of the financial and administrative activities of the town are kept and shall render full reports to the Board of Selectmen at the end of each fiscal year and at such other times as it may reasonably be required.

(H) The Town Administrator may at any time inquire into the conduct of any office of any town officer, employee, and department or agency under his jurisdiction and control.

(I) The Town Administrator shall be responsible for the negotiation of all contracts involving any subject within his jurisdiction. All such contracts as may be proposed by him shall be subject to final approval and execution by the Board of Selectmen. The Board of Selectmen may authorize the Town Administrator to execute any such approved contract on behalf of the town. The Town Administrator shall be included in the negotiations for the School Department to the extent required by statute.

(J) The Town Administrator shall administer, with the assistance of the Human Resources Advisory Board, the town personnel system, including, but not limited to, personnel policies and practices, rules and regulations, and personnel by-laws. He shall, in conjunction with that Board, prepare and maintain a plan establishing the personnel staffing requirements for each town agency or department within his jurisdiction.

(K) The Town Administrator shall be the Chief Procurement Officer for the town and be responsible for the purchase of all common-use supplies, materials and equipment for the Town, to the extent permitted by state law, excepting books and other educational materials for schools and books and other media materials for the libraries. He shall approve the award of all contracts for all town departments with the exception of the School Department, subject to the approval of the Board of Selectmen.

(L) The Town Administrator shall perform any other duties required of him under this Charter, the Town of Seekonk by-laws, town meeting vote or a vote of the Board of Selectmen.

Section 3 Administrative Organization

The Town Administrator, subject to the approval of the Board of Selectmen, may from time to time prepare and submit plans of organization or reorganization of town departments, boards, commissions, and offices in the form of proposed by-laws to the town meeting. Whenever the Town Administrator prepares such a plan, the Board of Selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper no less than seven (7) days in advance of such a hearing. The notice shall describe the scope of the proposal and the date, time and place the hearing shall be held.

Except as otherwise provided in this Charter, the town meeting may by by-law reorganize, create, consolidate, or abolish departments, boards, commissions, and offices, in whole or in part; may establish new departments, boards, commissions, or offices as deemed necessary; and may transfer powers, duties

and responsibilities of one department, board, commission or office, to another.

Section 4 Vacancy

Any vacancy in the office of the Town Administrator shall be filled as soon as possible by the Board of Selectmen and in the interim the Board shall appoint a suitable person to serve as temporary Town Administrator to perform the duties of the office. Such temporary appointment may not exceed three (3) months, but may be renewed by a majority vote of a full Board of Selectmen to extend for a second three (3) month term. Compensation for such an appointment shall be set by the Board of Selectmen.

Section 5 Removal

The Board of Selectmen may remove the Town Administrator from office in accordance with the following procedure:

(A) The Board of Selectmen shall adopt a preliminary resolution of removal by the affirmative vote of a majority of the full Board which must state the reason or reasons for the removal. The preliminary resolution may suspend the Town Administrator for a period not to exceed forty-five (45) days. A copy of the resolution adopted shall be delivered to the Town Administrator by certified mail, return receipt requested, or by commercial delivery service for which a receipt for delivery is obtained.

(B) Within five (5) days of receipt of the Board's preliminary resolution, the Town Administrator may request a public hearing by filing a written request for such a hearing with the Board of Selectmen. Thereafter, a public hearing shall be held not more than thirty (30) days after the request is filed, nor sooner than twenty (20) days after the filing of the request. The Town Administrator may file a written statement in justification of his tenure in office with the Board of Selectmen, provided any such statement is received by the Board not more than forty-eight (48) hours in advance of the public hearing.

(C) The Board of Selectmen may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of the full Board, at any time after ten (10) days following the date of delivery of a copy of the preliminary resolution to the Town Administrator, if he has not requested a public hearing, or at any time after the public hearing if he has requested one. Within ten (10) days following the vote to make the preliminary resolution final, but in no event more than forty-five (45) days following the date of adoption of the preliminary resolution, the Board of Selectmen shall, by a majority vote of the full board, either affirm or deny the final resolution of removal. Failure to affirm a final resolution of removal shall nullify the vote to remove the Town Administrator.

(D) The Town Administrator shall continue to receive a salary until the final date of removal shall become effective. The action of the Board of Selectmen in suspending or removing the Town Administrator shall be final, it being the intention of this provision to vest all authority and responsibility for such suspension or removal with the Board of Selectmen.

Section 6 Appointment Recommendations of the Administrator

The Town Administrator shall recommend the appointment of the following board and commission members to the Board of Selectmen for approval:

BOARD/COMMISSION	NUMBER OF MEMBERS
Zoning Board of Appeals	5 and 3 alternate members
Board of Health*	5
Board of Registrars other than Town Clerk	3

Park and Recreation Committee	5
Human Services Council	7
Conservation Commission	7
Arts Council Commission	5
Historical Commission	7
Recycling Committee	Min. 3, max. 7
Capital Improvement Committee	4 members and 3 additional appointed by Moderator.

*The Board of Health shall appoint a Health Agent and additional personnel for the board: such employees shall not be current board members.

Other committees appointed by Board of Selectmen pursuant to MGL, town by-law or town meeting action.

The Town Administrator shall recommend the appointment of the following town officers to the Board of Selectmen for approval: Police Chief, Fire Chief, Superintendent of Public Works, Building Inspector, Zoning Officer, Town Treasurer/Town Collector, Human Services Director, Communications Director, Veteran's Agent, Animal Control Officer, Park and Recreation Director, Emergency Management Director, Sealer of Weights & Measures, Plumbing Inspector, Gas Inspector, Electrical Inspector, Mechanical Inspector, Director of Finance and any other position of the level of department head under the jurisdiction of the Board of Selectmen.

The board or commission members and officers of the town appointed under this article shall serve for three (3) year terms, unless otherwise removed as provided in Article Eight, or removed in accordance with the provisions of the town's personnel by-law.

Recommendations made by the Town Administrator shall become effective on the fifteen (15th) day following the day on which notice of the appointment is filed with the Board of Selectmen unless the Board of Selectmen shall, within said period, by a majority vote of the board, vote to reject any such recommendation or has voted to sooner affirm the appointment.

Section 7 Merit Principle

All appointments and promotions in the town's services shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability to perform the duties of the office or of the employment.

ARTICLE SEVEN FINANCIAL PROVISIONS AND PROCEDURES

Section 1 Finance Department

The Town Administrator shall recommend to the Board of Selectmen the appointment of an individual with qualifications and experience in municipal and financial matters to serve as Director of Finance. The Director of Finance shall also serve as the town accountant. He shall coordinate the town's financial management functions, including, but not limited to, the oversight of offices and employees responsible for municipal finance functions. He shall assist the Town Administrator and Board of Selectmen in the preparation of the town's annual operating and capital budgets.

Section 2 Finance Committee

A Finance Committee of seven (7) members shall be appointed by the Town Moderator for three (3) year overlapping terms of office. No elected or appointed town officer or employee shall be eligible to serve on the Finance Committee. Any committee member who submits nomination papers for an elected position shall take a temporary leave of absence from the Finance Committee. The Moderator shall appoint a temporary replacement to serve until the election.

Finance Committee members shall serve without compensation. Vacancies in the Finance Committee shall be filled promptly by the Moderator for the remainder of the unexpired term.

The Finance Committee shall carry out its duties in accordance with the provisions of statute, this Charter, and town by-laws, and it shall be provided with regular and free access and inspection rights to all books, accounts, and the financial management of any town department or office. The Committee shall issue its recommendation prior to the consideration, debate, and vote by the town meeting.

Section 3 Preparation of the Budget

The Board of Selectmen and the School Committee shall meet and confer prior to and during the budget process to review the financial condition of the town's revenue and expenditure forecasts and other relevant information in order to develop a coordinated and balanced budget. The Finance Committee and the Capital Improvement Committee shall participate in the discussions with the Board of Selectmen and the School Committee in an advisory capacity. The School Superintendent and the Town Administrator shall jointly develop guidelines consistent with policies developed by the Board of Selectmen and the School Committee.

Section 4 Budget Proposal

The proposed budget shall provide a complete financial plan for all town funds and activities, including the proposed School Committee budget, for the ensuing year. Except for the School budget or as may be required by Massachusetts General Laws, it shall be in the form which the board of Selectmen and the Finance Committee may require. In submitting a proposed budget, the Town Administrator and Director of Finance shall utilize modern fiscal principles so as to furnish maximum information and financial control. The budget shall detail all estimated revenue from the property tax levy, and other sources, and all proposed expenditures including: debt service for the previous, current, and ensuing years and shall indicate separately:

(A) Proposed expenditures for both current operations and capital projects during the ensuing year, detailed by agency, purpose, and position, together with proposed methods

(B) Estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts.

Section 5 Submission of Budget and Budget Message

Not less than one hundred and twenty (120) days prior to the date of the spring town meeting, the Town Administrator shall submit a proposed budget for the ensuing fiscal year, with an accompanying budget message and supporting documents to the Board of Selectmen and file copies with the Finance Committee.

Budget Message

The budget message shall be an integral component of the total budget proposal presented to the town meeting and shall explain the budget for all town agencies in both fiscal and programmatic terms.

The message shall:

- (A) Outline proposed financial policies of the town for the ensuing fiscal year.
- (B) Describe important features of the budget.
- (C) Indicate any major variations from the current year in financial policies, expenditures, and revenue, together with the reasons for such changes.
- (D) Summarize the town's debt position.
- (E) Contain a narrative description explaining and supporting the numerical budget proposal. The narrative shall provide a detailed explanation of the assumptions and rationale upon which the proposed budget is based.
- (F) Provide *pro forma* budgets for the two (2) years subsequent to the immediately ensuing year. The *pro forma* budgets shall be based upon good faith estimates or projections of revenue and expenditures, including debt service, and capital expenditures. The budget message shall also include a narrative overview or summary of the projections contained in the *pro forma* budgets.
- (G) Include such other materials as the Board of Selectmen and Finance Committee may require.

Section 6 Action on the Proposed Budget

The School Committee and Board of Selectmen shall conduct separate public hearings on their respective proposed budgets, and the Finance Committee shall issue in print its recommendations on the aggregate budget proposal and make copies available to the voters at least fourteen (14) days prior to the annual town meeting. In preparing its recommendations, the Finance Committee may require any town department, board, office or agency to furnish it with appropriate financial reports and information.

The Board of Selectmen shall be responsible for presenting the proposed budget to at the spring session of the town meeting for appropriate action.

Section 7 General Government and School Department

Capital Improvements Program.

Not less than one hundred fifty (150) days prior to the date of the spring town meeting, the Town Administrator shall submit to the Board of Selectmen, and file copies with the Finance Committee, a five (5) year capital improvement program. Such program shall include:

- (A) A clear summary of its contents.
- (B) A list of all capital improvements proposed to be undertaken during the next five (5) years, together with supporting data.
- (C) Cost estimates, methods of financing and recommended time schedules for each project.
- (D) The estimated annual cost of operating and maintaining any facility to be constructed or acquired.

Information requirements described above shall be revised and extended annually with respect to capital improvements in the process of construction or acquisition. A capital improvement plan shall be defined by the Director of Finance following consultation with the Finance Committee, Capital Improvement Committee, and other town committees. The plan may be changed from time to time to reflect current economic conditions.

ARTICLE EIGHT GENERAL PROVISIONS

Section 1 Charter Amendment

This charter may be replaced, revised, or amended in accordance with the provisions of the Constitution of the Commonwealth and the Massachusetts General Laws. This Charter shall be reviewed at such times as may be directed by the Board of Selectmen, but not more than ten (10) years from the time of last review. The committee formed to review the Charter shall be elected or appointed in accordance with state law.

Section 2 Specific Provisions to Prevail

To the extent that any specific provision of the charter shall conflict with any general provision thereof, the specific provision shall prevail.

Section 3 Severability

The provisions of this charter are severable. If any provision is held by a court of competent jurisdiction to be invalid, the remaining charter provisions shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is so held to be invalid, the application of the charter and its provision to other persons and circumstances shall not be affected thereby.

Section 4 Review and Revision of Town By-laws

It shall be the responsibility of the Town Moderator to appoint, at least every five (5) years, a by-law study committee, one (1) member to be selected from each precinct of the town and one (1) member to be selected from the town at large. The committee shall, within one (1) year following its appointment, review the by-laws of the town, propose revisions as necessary, and present such proposed revisions to the town meeting for consideration and action.

Section 5 Boards, Commission and Committees

All boards, commission and committees, whether special or standing, shall at least annually elect a chair, vice-chair, clerk and other necessary officers; establish a majority quorum requirement for meetings; adopt rules of procedure and voting; and maintain a journal of proceedings, copies of which shall be a public record signed by the clerk of each body. All such bodies, in submitting their annual report to the Board of Selectmen, shall summarize their formal powers, duties, and obligations for dissemination to the general public.

Section 6 Number and Gender

Words importing the singular may extend and be applied to several persons or things. Words importing the plural number may include the singular. Words importing the feminine gender shall include the masculine and words importing the masculine gender shall include the feminine gender.

Section 7 Counting of Days

In counting days under this charter, every calendar day shall be counted, including Sundays and holidays.

Section 8 Phasing of Terms

Elections and appointments to boards, commissions, and committees consisting of more than one member and terms greater than one year shall be made so that terms overlap. Terms of equal, or as nearly equal as can be, number of board, commission or committee members shall expire each year.

Section 9 Power to Rescind Appointments

All appointing authorities under this charter shall have the power to rescind appoints made by them, except appointments to the Board of Appeals and other quasi-judicial boards; provided that the appointee shall first have been served with a written notice of such intent of removal, and provided further that the appointee shall have the right to a public hearing on his removal.

Section 10 Vacating Appointive Offices

Any member of an appointive board or commission of the town shall be deemed to have vacated his office upon being absent from five (5) consecutive, regularly scheduled meetings.

Section 11 Personnel Procedures

Human Resources Advisory Board, shall provide guidance to the Town Administrator and Board of Selectmen in the areas of employment and employee relations; compensation and benefits; employee communications, training and development; health and safety issues; and other tasks assigned by statute, this Charter, or town by-laws, to the Town Administrator and/or Board of Selectmen. The board may on its own accord meet from time to time in furtherance of its stated role. The board shall work cooperatively with the Town Administrator to periodically review and update as necessary the human resources, policies and procedures manual, employee classification and compensation plans, and other documents related to human resource management. The board shall consist of five members appointed by the Town Administrator, subject only to the approval of the Board of Selectmen. At least two (2) members of the board shall possess a business background in Human Resources, acquired in either the private or public sector, or a combination of both. Appointments shall be for staggered three (3) year terms.

ARTICLE NINE TRANSITIONAL PROVISIONS

Section 1 Effective date

This charter shall become fully effective upon ratification by the voters, except as otherwise may be provided in this section.

Section 2 Continuation of Government

Appointed or elected town officials and board members holding office on the effective date of the charter shall continue to serve until re-elected, re-appointed, their successors having been qualified, or their duties having been transferred. Except as may otherwise be provided by this charter, no regular full-time or part-time employee of the town shall forfeit his pay grade or longevity as a result of the adoption of this charter.

Section 3 Continuation of By-laws

All special acts, by-laws, resolutions, rules, regulations, and votes of the town meeting in force on the effective date of this charter, not inconsistent with its provisions, shall continue in force until amended or repealed.

Section 4 Continuance of Contracts and Other Obligations

All leases, contracts, franchise, and obligations entered into by the town or for its benefit prior to the effective date of this charter shall continue in full force and effect.

Section 5 Pending Actions and Proceedings

No action or proceedings, civil or criminal, in law or in equity, pending at the time this charter takes effect, brought by or against the town or any office, department, or other agency thereof, shall be affected or abated by the adoption of this charter.